

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 33383 of 2005(Y)

PETITIONER:

**HUMAN BIOLOGICAL INSTITUTE, A DIVISION OF
INDIAN IMMUNOLOGICALS LIMITED A WHOLLY OWNED
SUBSIDIARY OF THE NATIONAL DAIRY DEVELOPEMENT
BOARD, ROAD NO.44,JUBILEE HILLS,HYDERABAD 500033,
REPRESENTED BY ITS MANAGING DIRECTOR,
SRI.K.V.BALASUBRAMANIAM (REPRESENTED BY
THE POWER OF ATTORNEY HOLDER -
DINAR A.KUMAR, GENERAL MANAGER).**

BY ADV. SRI.K.RAMAKUMAR.

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO DEPARTMENT OF HEALTH, GOVERNMENT
OF KERALA, THIRUVANANTHAPURAM.**
- 2. THE CHAIRPERSON, CENTRAL PURCHASE
COMMITTEE, KERALA DIRECTORATE OF HEALTH SERVICES,
THIRUVANANTHAPURAM - 695 037.**
- 3. THE DIRECTOR OF HEALTH SERVICES
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. M.R. SABU.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.33383/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE COMMUNICATION SENT BY THE CHAIRPERSON, CENTRAL PURCHASE COMMITTEE, DTD. 31/05/2002.

EXT.P.2: COPY OF THE JUDGMENT DTD. 27/09/2004 IN W.P.(C). NO. 40433/2003.

EXT.P.3: COPY OF THE CLAIM MADE BY THE PETITIONER DTD. 19/10/2004.

EXT.P.4: COPY OF THE REPRESENTATION DTD. 07/01/2005 MADE BY THE PETITIONER.

EXT.P.5: COPY OF THE REPRESENTATION DTD. 17/01/2005 MADE BY THE PETITIONER.

EXT.P.6: COPY OF THE REPRESENTATION DTD.23/08/2005 MADE BY THE PETITIONER.

EXT.P.7: COPY OF THE JUDGEMENT DTD. 06/06/2005 IN C.C.C. NO. 324/2005.

EXT.P.8: COPY OF THE OUTSTANDING DETAILS ALONG WITH A COVERING LETTER DT. 10/09/2006 BY THE PETITIONER COMPANY.

RESPONDENT'S EXHIBITS:

EXT.R1.A: COPY OF THE DETAILS OF ANTI RABIES VACCINE BY THE DHS.

EXT.R1.B: COPY OF THE LETTER NO. C3/18523/05/DME DTD. 16/08/06 OF THE D.M.E.

//TRUE COPY//

prv.

ANTONY DOMINIC, J.

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W.P.(C) No. 33383 OF 2005 Y
= = = = =

Dated this the 19th September, 2007

J U D G M E N T

The petitioner is a Government of India undertaking which has been supplying anti-rabies medicine to the Govt. of Kerala. The prayer in this writ petition is to direct the respondents to release payment of Rs.1,17,14,469/- towards the value of the medicine supplied.

2. In the counter affidavit filed by the respondents, after giving credit to the payments that have already been made, they admit a balance of Rs.69,28,734/-. Now that the liability to the extent of Rs.69,28,734/- has been admitted by the respondents towards the medicine supplied for the period 2002-03, I see no justification for its non-payment. However, the learned Govt. Pleader submits that due to financial constraints of the Government, this amount could not be paid so far and seeks instalment facility for discharging the liability.

3. Having heard both sides, I am inclined to

dispose of this writ petition by directing that the admitted amount of Rs.69,28,734/- shall be paid by the Government of Kerala in six equal bi-monthly instalments. The first instalment will be payable on 1-1-2008 and the subsequent instalments will be payable on the 1st of the month in which it falls due.

4. If the petitioner still claims that anything more than what is ordered herein above, will be payable by the respondents, the petitioner may, if so advised, institute appropriate proceedings for recovery of the said amount.

The writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-